

EPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
KYRKANIDES, Stephanos) Art Unit: 1632
Application No. 10/781,142) Examiner: Hama, Joanne
Filing Date: February 18, 2004) Confirmation No. 3987
For: VECTORS HAVING BOTH ISOFORMS)
OF BETA-HEXOSAMINIDASE AND)
USES OF THE SAME)

ELECTION UNDER RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

In response to the restriction requirement of September 17, 2004, applicant provisionally elects the Group I (claims 1-43, 72-75, 83-91) with traverse.

Applicants also request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims.

M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis added.*)

Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and

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(2) that the search and examination of the entire application cannot be made without serious burden.

Applicants respectfully assert that the Examiner has not shown that the second requirement has been met, on the basis that the Examiner has not shown that it would be serious burden to search and examine all of the claims together.

For the reasons stated above, applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Examining all of the claims together would eliminate the necessity of prosecuting multiple, separate, yet intimately related, applications. Thus, applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

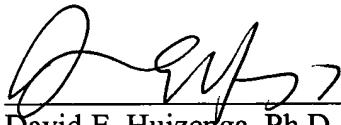
Applicants also wish to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

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No fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

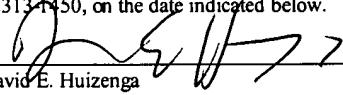


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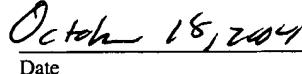
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David E. Huizenga



Date